



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 14, 1996

Mr. Merrill E. Nunn  
City Attorney  
P.O. Box 1971  
Amarillo, Texas 79105-1971

OR96-2121

Dear Mr. Nunn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102391.

The Amarillo Police Department (the "department") received an open records request for the tape recording of a particular 911 call regarding a homicide. You seek to withhold the tape recording pursuant to section 552.108 of the Government Code.<sup>1</sup>

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the tape recording at issue clearly comes within the purview of section 552.108, we conclude that it may be withheld under this section. Although section 552.108 authorizes the department to withhold the tape recording, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

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<sup>1</sup>Because we resolve your request under section 552.108, we need not address the applicability of the other exceptions you raise.

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal line extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/RWP/rho

Ref.: ID# 102391

Enclosure: Tape recording

cc: Mr. Dennis Spies  
Managing Editor  
Amarillo Globe-News  
P.O. Box 2091  
Amarillo, Texas 79166  
(w/o enclosure)